

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MAUREEN STEWART, an individual
and KELLY LAMICELLA, an
individual, on behalf of themselves
and all others similarly situated, and
ROES 1 through 100, inclusive,

Plaintiffs,

v.

BEAM GLOBAL SPIRITS & WINE,
INC., a corporation; BETHENNY
FRANKEL, and DOES 1 through 100,
inclusive,

Defendants.

Civil Action No. 11-5149
(NLH)(KMW)

**NOTICE OF MOTION TO DISMISS THE FIRST,
THIRD AND FOURTH CAUSES OF ACTION OF THE
AMENDED CLASS ACTION COMPLAINT**

PLEASE TAKE NOTICE that the undersigned, counsel for Defendant Bethenny Frankel, shall move on February 21, 2012 at 10:00 a.m. before the United States District Court for the District of New Jersey, the Honorable Noel L. Hillman presiding, at the Mitchell H. Cohen Building & United States Courthouse, 4th & Cooper Streets, Camden, NJ 08101, for an Order Dismissing the First, Third and Fourth Causes of Action of Plaintiffs' Amended Class Action Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6).

PLEASE TAKE FURTHER NOTICE that in support of the motion, Frankel will rely upon the concurrently-filed Memorandum of Law and Certification of Laura D. Castner.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is submitted herewith.

Dated: January 20, 2012

Greenberg Traurig LLP

/s/ David E. Sellinger

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